

EXHIBIT A



ROPES & GRAY LLP
ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624 617-951-7000 F 617-951-7050
BOSTON NEW YORK PALO ALTO SAN FRANCISCO WASHINGTON, DC www.ropesgray.com



Jun 9 2006
3:09PM

June 9, 2006

Eric P. Christofferson
(617) 951-7976
echristofferson@ropesgray.com

BY FACSIMILE

Steve W. Berman, Esq.
Hagens Berman Sobol Shapiro LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101

John A. Macoretta, Esq.
Spector, Roseman & Kodroff P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103

Dear Steve and John:

Pursuant to the Agreed Motion for a Briefing Schedule Concerning Plaintiffs' Motion to Unseal All Confidential or Highly Confidential Designated Documents Used in Summary Judgment Proceedings ("Motion") filed with the Court on June 2, 2006, Schering-Plough Corporation ("Schering") and Warrick Pharmaceuticals Corporation ("Warrick") hereby identify the summary-judgment materials filed under seal that should remain under seal.

Schering and Warrick will not object to the unsealing of any exhibits except for the following: Ex. 13 to Schering's and Warrick's Motion for Summary Judgment; SP Exs. 8, 9, 16, 17, 18, 19, 22, 23, 28, 29, 30, 32, 36, and 38 to Plaintiffs' Motion for Summary Judgment; and SP Exs. 2, 9, 10A, 12, 26, 27, 28, 29, 33, 37, 38, 39, 41, 46, and 49 to Plaintiffs' Opposition to Schering's and Warrick's Motion for Summary Judgment. We believe these exhibits constitute competitive business information regarding the nature and terms of negotiations with the companies' customers, and should accordingly remain confidential.

Please let us know if you have any questions, or would like to discuss any of these exhibits before serving your response, pursuant to the Motion, before or on Wednesday, June 14.

Sincerely,

Eric P. Christofferson

cc: John T. Montgomery, Esq.
All Counsel of Record via Lexis File & Serve

EXHIBIT B



HAGENS BERMAN
SOBOL SHAPIRO LLP

STEVE W. BERMAN
DIRECT • (206) 268-9320
STEVE@HBSSLAW.COM

June 12, 2006

Via E-Mail

Eric Christofferson
Ropes & Gray LLP
One International Place
Boston, MA 02110-2624

Re: AWP – Motion to Unseal

Dear Eric:

We do not agree that these exhibits should be sealed.

Ex. 13 is a form letter of which no expectation of confidentiality existed. Same is true for 1, 3, 8, 9, 16, 17, 18, 19, 22, 23, and 28. Ex. 29 there is no apparent confidentiality issues and it is a 1998 document.

Ex. 30, same. Ex. 32, no apparent intent to keep it confidential, indeed it is a rehearsal for answers to be publicly broadcast. Ex. 36 is a blank contract. Ex. 38, no competitive issues implicated.

Px. 2, okay.

Px. 9 is too ancient to invoke competitive issues.

Px. 27, a form mailing no expectations of privacy.

Px. 28, no competitive harm.

Px. 33, no competitive harm.

Px. 37, ancient, no competitive harm.

Px. 38, same.

Px. 39, no expectation of privacy.

ATTORNEYS AT LAW

SEATTLE LOS ANGELES CAMBRIDGE PHOENIX CHICAGO

T 206.623.7292 F 206.623.0594

1301 FIFTH AVENUE, SUITE 2900 SEATTLE, WASHINGTON 98101

www.hagens-berman.com

Eric Christofferson
June 12, 2006
Page 2

Px. 41, no expectation of privacy.

Px. 46, no expectation of privacy.

Sincerely yours,

[sent via electronic delivery]

Steve W. Berman

cc: Plaintiffs' Counsel

EXHIBIT C

AWP/MDL

Page 1 of 1

Christofferson, Eric P.

From: Christofferson, Eric P.
Sent: Tuesday, June 20, 2006 7:45 PM
To: Steve Berman
Cc: Christofferson, Eric P.
Subject: Motion to Unseal
Attachments: 6-12-06 Letter to Christofferson.pdf

Steve-

We have reviewed your attached letter. If Plaintiffs will agree that the following 7 documents should remain under seal, Schering and Warrick will not contest the unsealing of any others (with the exception of SP Ex. 2 to Pls.' Opp'n, to which you have already agreed):

Exhibits to Pls.' Mot. For Partial Summ. J.

SP Ex. 18 (Duplicate of SP Ex. 28 to Pls.' Opp'n)
 SP Ex. 28
 SP Ex. 30
 SP Ex. 36

Exhibits to Pls. Opp'n:

SP Ex. 10A
 SP Ex. 12
 SP Ex. 28 (Duplicate of SP Ex. 18 to Pls.' Mot. For Partial Summ. J.)
 SP Ex. 33

These documents reveal competitive information about the ways in which Schering and Warrick approach contracting and negotiations with customers, which are still current. If Plaintiffs will agree, we will draft for your review and filing tomorrow a stipulation and proposed order similar to those drafted/filed by the other Track 1 Defendants.

Please let us know whether you agree.

Best,
 Eric

From: Steve Berman [mailto:Steve@hbsslaw.com]
Sent: Monday, June 12, 2006 5:55 PM
To: Christofferson, Eric P.
Cc: AWP MDL Committee Short
Subject: AWP/MDL

Please see attached letter.

<<6-12-06 Letter to Christofferson.pdf>>

6/21/2006

EXHIBIT D

Christmas, Daniel P.

From: Christofferson, Eric P.
Sent: Wednesday, June 21, 2006 5:41 PM
To: Christmas, Daniel P.
Subject: Fw: Email re Motion to Unseal

Attachments: Email to EC.pdf

----- Original Message -----

From: Steve Berman <Steve@hbsslaw.com>
To: Christofferson, Eric P.
Sent: Wed Jun 21 17:35:52 2006
Subject: Email re Motion to Unseal



Email to EC.pdf
(103 KB)

Please see attached notes.

<<Email to EC.pdf>>

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
steve@hbsslaw.com
(206) 623-7292
(206) 623-0594 (Fax)

Carrie Flexer

From: Steve Berman
Sent: Tuesday, June 20, 2006 4:48 PM
To: Carrie Flexer
Subject: FW: Motion to Unseal
Attachments: 6-12-06 Letter to Christofferson.pdf

can i see

Steve W. Berman
Hagens Berman Sobol Shapiro LLP
1301 Fifth Avenue
Suite 2900
Seattle WA 98101
206-224-9320

From: Christofferson, Eric P. [mailto:Eric.Christofferson@ropesgray.com]
Sent: Tuesday, June 20, 2006 4:45 PM
To: Steve Berman
Cc: Christofferson, Eric P.
Subject: Motion to Unseal

Steve-

We have reviewed your attached letter. If Plaintiffs will agree that the following 7 documents should remain under seal, Schering and Warrick will not contest the unsealing of any others (with the exception of SP Ex. 2 to Pls.' Opp'n, to which you have already agreed):

Exhibits to Pls.' Mot. For Partial Summ. J.

SP Ex. 18 (Duplicate of SP Ex. 28 to Pls.' Opp'n) *ND*
SP Ex. 28 *OK*
SP Ex. 30 *OK*
SP Ex. 36 *ND*

Exhibits to Pls. Opp'n:

SP Ex. 10A *ND*
SP Ex. 12 *ND*
SP Ex. 28 (Duplicate of SP Ex. 18 to Pls.' Mot. For Partial Summ. J.) *OK*
SP Ex. 33 *ND*

These documents reveal competitive information about the ways in which Schering and Warrick approach contracting and negotiations with customers, which are still current. If Plaintiffs will agree, we will draft for your review and filing tomorrow a stipulation and proposed order similar to those drafted/filed by the other Track 1 Defendants.

Please let us know whether you agree.

Best,
Eric

6/21/2006

From: Steve Berman [mailto:Steve@hbsslaw.com]
Sent: Monday, June 12, 2006 5:55 PM
To: Christofferson, Eric P.
Cc: AWP MDL Committee Short
Subject: AWP/MDL

Please see attached letter.

<<6-12-06 Letter to Christofferson.pdf>>

6/21/2006



STEVE W. BERMAN
DIRECT • (206) 268-9320
STEVE@HBSSLAW.COM

HAGENS BERMAN
SOBOL SHAPIRO LLP

June 12, 2006

Via E-Mail

Eric Christofferson
Ropes & Gray LLP
One International Place
Boston, MA 02110-2624

Re: AWP – Motion to Unseal

Dear Eric:

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001534-16 112952 VI

Eric Christofferson
June 12, 2006
Page 2

Px. 41, no expectation of privacy.

Px. 46, no expectation of privacy.

Sincerely yours,

[sent via electronic delivery]

Steve W. Berman

cc: Plaintiffs' Counsel

EXHIBIT E

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	
LITIGATION)	MDL No. 1456
)	
_____)	Civil Action No. 01-12257-PBS
)	
THIS DOCUMENT RELATES TO:)	Judge Patti B. Saris
ALL CLASS ACTIONS)	
)	
)	
_____)	

**[PROPOSED] ORDER CONCERNING
PLAINTIFFS' MOTION TO UNSEAL ALL CONFIDENTIAL OR
HIGHLY CONFIDENTIAL DESIGNATED DOCUMENTS
USED IN SUMMARY JUDGMENT PROCEEDINGS**

WHEREAS, in connection with the cross-motions for summary judgment now pending before the Court, plaintiffs and defendants Schering-Plough Corporation ("Schering") and Warrick Pharmaceuticals Corporation ("Warrick"), moved for leave to file under seal several documents, including memoranda of law, declarations, exhibits and other materials; and

WHEREAS, on May 19, 2006, plaintiffs moved to unseal all documents filed in connection with the summary judgment motions; and

WHEREAS, in a "Procedural Order" dated May 25, 2006, the Court denied the initial motions to seal as to the summary judgment memoranda of law (except as to private medical information of the named plaintiffs), but provisionally allowed the motions to seal the exhibits, declarations and statements of facts submitted therewith; and

WHEREAS, after receipt of the Court's Procedural Order, counsel for plaintiffs and Schering and Warrick conferred as to which exhibits, declarations, fact statements and other summary judgment materials relating to Schering and Warrick should remain under seal; and

WHEREAS, Schering and Warrick have demonstrated that certain documents contain confidential business information that should remain sealed;

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

(1) The following exhibits filed in connection with the parties' summary judgment motions shall remain under seal in their entirety: SP Exs. 18, 28, 30, and 36 to *Declaration of Steve W. Berman In Support of Plaintiffs' Memorandum for Partial Summary Judgment Against All Track 1 Defendants*; and SP Exs. 2, 10A, 12, 28, and 33 to *Declaration of Steve W. Berman In Support of Plaintiffs' Memorandum in Opposition to Schering-Plough Corporation's and Warrick Pharmaceuticals Corporation's Motion for Summary Judgment as to Class 2 Claims*.

(2) Counsel for plaintiffs and Schering and Warrick are directed to file with the clerk's office copies of the summary judgment materials that reflect the above rulings. All other summary judgment materials relating to Schering and Warrick shall be unsealed.

Dated: June , 2006

Patti B. Saris
United States District Judge